

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DURANT TISDALE,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action
	:	No. 15-5209
	:	
CITY OF PHILADELPHIA et al.	:	
	:	
Defendants.	:	

**DEFENDANTS' STATEMENT OF UNDISPUTED MATERIAL FACTS IN SUPPORT
OF THEIR MOTION FOR SUMMARY JUDGMENT**

1. Brenda Lee called the police and reported the theft of a window grate from her neighbor's house at 2216 Delhi St on July 5, 2013. Complaint/Incident Report, p. 1 and Lee Interview, p.6.
2. Brenda Lee followed the suspect in her car and stayed on the phone with the 911 operator. Lee Interview, p.6.
3. Police Officer Timothy Gibson, while working in full uniform and operating a marked police vehicle, received a radio call for a theft in progress from 2200 Delhi St committed by a black male wearing a black shirt and white hat. Gibson Interview, p. 5.
4. Upon arriving at 1000 Arizona St., Officer Gibson observed Durant Tisdale and Brenda Lee, and Lee identified Tisdale as the offender who took a white grate from a basement window. Plaintiff's Deposition Transcript, p. 17:2-18:2, and p. 21:12-22:24, Complaint/Incident Report, p. 1 and Lee Interview, p.6.
5. Durant Tisdale at that time, was wearing a black shirt and white hat, matching the flash description of the suspect. Gibson Deposition Transcript p. 86:15-86:21.

6. As a result of Brenda Lee's positive identification of Durant Tisdale, Police Officer Gibson placed Durant Tisdale under arrest. Police Officer Gibson's Deposition Transcript, p. 63:18-64:13.
7. Brenda Lee was transported to East Detectives, where she was interviewed by Detective David Sherwood at 12:00am on July 6, 2013 and again implicated Durant Tisdale in the attempted theft of a window grate. Det. Sherwood Deposition Transcript, p. 107: 20-108:21 and Lee Interview, p. 6.
8. Detective David Sherwood also interviewed Police Officer Gibson at 12:30am on July 6, 2013. Officer Gibson stated that while operating a marked police vehicle with Police Officer Whittaker, they received a radio call of a theft in progress from 2200 Delhi St and a flash report of a black male wearing a black shirt and white hat last seen in the area of 10th and Dakota. The officers surveyed the area and observed both Brenda Lee and Durant Tisdale. Brenda Lee stated to police that she observed Durant Tisdale take a white grate from the basement window of 2220 Delhi St. Brenda Lee assisted Officer Gibson in contacting the owner of the property, Brian Stewart by cell phone. Gibson Interview, p. 5.
9. Detective David Sherwood then gathered all of the information provided by the officers and Ms. Lee, and submitted it to the District Attorney to make a decision on whether to charge Durant Tisdale. Det. Sherwood Deposition Transcript, p. 122:20-123:6
10. Detective David Sherwood had no involvement in the physical arrest of Plaintiff. His only involvement in this matter is he interviewed Police Officer Gibson and witness Brenda Lee, and prepared a Police Arrest Report ("PARS"). Sherwood Deposition Transcript, 106:11-106:16.

Respectfully submitted,

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